

By: Harris

S.B. No. 1703

A BILL TO BE ENTITLED

AN ACT

relating to the inspection of registered or listed family homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 42.044(a), (b), and (c), Human Resources Code, are amended to read as follows:

(a) An authorized representative of the department may visit a facility regulated under this chapter or a registered or listed family home during operating hours to investigate, inspect, and evaluate.

(b) The department shall inspect all licensed or certified facilities at least once a year and may inspect other facilities [~~or registered family homes~~] as necessary. The department shall inspect a family home when the department initially registers or lists the family home and may subsequently inspect a registered family home as necessary. [The department shall investigate a listed family home when the department receives a complaint of abuse or neglect of a child, as defined by Section 261.001, Family Code.] At least one of the annual visits to a licensed or certified facility must be unannounced and all may be unannounced.

(c) The department must investigate a facility regulated under this chapter or a registered or listed family home when a complaint is received. The representative of the department must notify the operator of a registered or listed family home or the director or authorized representative of a regulated facility when

1 a complaint is being investigated and report in writing the results
2 of the investigation to the family home's operator or to the
3 regulated facility's director or the director's authorized
4 representative.

5 SECTION 2. Section 42.052(i), Human Resources Code, is
6 amended to read as follows:

7 (i) The department shall provide to a listed family home a
8 copy of the listing. A listing must contain a provision that
9 states: "THIS HOME IS [A] LISTED [~~FAMILY HOME. IT IS NOT LICENSED~~
10 ~~OR REGISTERED~~] WITH THE DEPARTMENT OF FAMILY AND PROTECTIVE [~~AND~~
11 ~~REGULATORY~~] SERVICES BUT IS NOT LICENSED OR REGULARLY INSPECTED.
12 [~~IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED.~~]" The
13 operator of a listed home is not required to display the listing in
14 a prominent place at the home but shall make the listing available
15 for examination. The department by rule shall provide for a
16 sufficient period to allow operators of family homes to comply with
17 the listing requirement of this section.

18 SECTION 3. Section 42.0522(b), Human Resources Code, is
19 amended to read as follows:

20 (b) A family home may not place a public advertisement that
21 uses the title "listed family home" or any variation of that phrase
22 unless the home is listed as provided by this chapter. Any public
23 advertisement for a listed family home that uses the title "listed
24 family home" must contain a provision in bold type stating: "THIS
25 HOME IS [A] LISTED [~~FAMILY HOME. IT IS NOT LICENSED OR REGISTERED~~]
26 WITH THE DEPARTMENT OF FAMILY AND PROTECTIVE [~~AND REGULATORY~~]
27 SERVICES BUT IS NOT LICENSED OR REGULARLY INSPECTED. [~~IT HAS NOT~~

1 ~~BEEN INSPECTED AND WILL NOT BE INSPECTED.] "~~

2 SECTION 4. Section 42.054(e), Human Resources Code, is
3 amended to read as follows:

4 (e) The department shall charge each family home that is
5 listed or registered with the department an annual fee to cover a
6 part of the department's cost in regulating family homes. The
7 amount of the fee is [~~\$20 for a listed home or~~] \$35 for a listed or
8 registered home. The fee is due on the date on which the department
9 initially lists or registers the home and on the anniversary of that
10 date.

11 SECTION 5. (a) The changes in law made by this Act apply to
12 each family home that applies for initial or renewed registration
13 or listing with the Department of Family and Protective Services on
14 or after the effective date of this Act.

15 (b) The Department of Family and Protective Services shall
16 perform an initial inspection as required by Section 42.044(b),
17 Human Resources Code, as amended by this Act, at the time a family
18 home renews its registration or listing if the family home was
19 registered or listed before the effective date of this Act and the
20 family home has not been inspected by the department at least once.

21 SECTION 6. This Act takes effect September 1, 2007.